

14-28

DOCKET FILE COPY ORIGINAL

Received & Inspected

April 26, 2014

MAY -5 2014

From: Craig Smith

FCC Mail Room

To: Chairman Tom Wheeler & the FCC Leaders

Subject: Proposed Internet "Fast Lane"

I am writing you today because I am concerned of the recently proposed "internet fast lane". I must say that I was not expecting this from your office at this time; the proposed rules do not make sense, and do not follow the FCC charter. In 2009, the FCC created rules surrounding the events of Comcast throttling peer-to-peer traffic; where in that case, the FCC lost their case when the court ruled that Comcast is classified as merely an "information service". Recently, the FCC finished the "Open Internet" rules and once again sued by Verizon. And in that case, the FCC lost their case for the same reasons as the case in 2009. In both cases, the court urged the FCC to reclassify these ISP's as Title II communication companies if the FCC was serious about creating these rules that these companies must follow.

I am aware that Title II has some precise rules, and that these rules may not be applicable to the major ISP's. But I would remind you that the FCC has the power of forbearance; where the office can choose what rules will be imposed. If these ISP's were classified as such, as the FCC has been encouraged to do by these two court cases, then it does not need to enforce all these rules under Title II.

In point of fact, Comcast and Netflix have already settled a "fast lane" deal. However, this is a sham. Comcast, like other ISP's are selling service tiers that specify a speed (e.g. 50 megabits per second) and a cap (e.g. 250 gigabytes). The customer should be allowed to choose how to spend this however they choose regardless of what it is or how much of their allowed bandwidth it takes, and the customer should not experience throttling of any sort. Traffic is traffic; it does not matter where it is coming from despite what many ISP's have claimed.

Please, abort what is being done with these "internet fast lane" rules and simply reclassify internet service providers as Telecommunications companies under the Title II of the 1996 telecommunications act. It is a more simple way to accomplish your goals, and to keep the internet free and open.

Sincerely,

Craig Smith

Craig Smith
1412 Steaders Pass,
Zeeland, MI, 49464